

DOCKET NO.: CA-0007
Application No.: 10/040,950
Office Action Dated: August 9, 2004

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS

Reconsideration of this application in view of the above amendments and following remarks is requested. After entry of this amendment, claims 3-35, 37-53, 55-57 and 82 are pending in the application. Claims 58-81 are canceled herein (claims 1, 2, 36 and 54 were previously canceled).

In the final office action dated August 9, 2004, the examiner allows claims 3-35, 37-53, 55-57 and 82, and requires that claims 58-81 (i.e., the non-elected claims) be canceled.

Restriction Requirement

In final office action paragraph 5, the examiner states that applicant's linking claims 20, 35, 46, 53 and 82, although allowed, will not result in rejoinder and examination of the appropriately linked, non-elected claims because the allowed linking claims possess limitations not present in method claim 58.

Applicant respectfully disagrees with the examiner's action; claim 58 is not the only method claim (i.e., not the only claim directed to the non-elected invention) in the application. The examiner should have considered all of claims 58-81 for rejoinder and examination, as applicable, based upon the determined allowability of each of the linking claims, in accordance with MPEP § 809.04.

However, applicant has canceled claims 58-81 solely to expedite prosecution of the application, and move the case to allowance.


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CONCLUSION

In light of the above amendments, applicant submits that the present application is in condition for allowance, and requests that examiner issue such a notice. The examiner is invited to call the undersigned attorney in the event that a telephone interview will advance prosecution of this application.

Respectfully submitted,



Bruce D. George
Registration No. 43,631

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Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439